

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Clifford Mahaley, employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, having been duly sworn, do hereby depose and state as follows:

INTRODUCTION

1. Your affiant is an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510 (7). Your affiant is therefore, an officer of the United States who is empowered by law to conduct investigations and to make arrest for the offenses enumerated in Title 18, United States Code, Section 2516. Your affiant is currently assigned to ATF San Juan conducting investigations of federal firearms violations and other federal violations. Your affiant was also previously employed by the City of Charlotte, North Carolina as a Police Officer for several years.
2. Your affiant has conducted investigations into the unlawful possession of firearms. Through training, investigations, and experience, I have taken part in cases relating to the trafficking of firearms, the use and possession of firearms by persons prohibited by law, and the possession of illegal firearms. Your affiant is familiar and has participated in various methods of investigations, including, but not limited to: electronic surveillance, physical surveillance, interviewing and general questioning of witnesses, use of confidential informants, use of cooperating witnesses, and use of toll records and subscribers information.
3. Your affiant has conducted and participated in numerous investigations to include: crime scene investigations, collection of evidence, interviews, and the execution of search warrants.

4. The details and information stated herein are based on my training, experience, and personal knowledge and compilation of facts and events investigated by me and other Law Enforcement Officers who investigated and confirmed their veracity or oversaw their development. I have drafted this affidavit for the limited purpose of establishing probable cause that Carlos CLAUDIO-CABALLERO violated Title 18, United States Code, Section 922(k) (possession of a firearm with an obliterated serial number) and Title 18, United States Code, Section 922(o) (possession of a machinegun). Therefore, I have not included all of the facts of this investigation.

FACTS SUPPORTING PROBABLE CAUSE

5. On or about February 12, 2024, at approximately 12:00 p.m., ATF consulted a case with Agents from the Puerto Rico Police Bureau (PRPB) Precinct in San Lorenzo at PRRB Headquarters in Caguas, PR.
6. According to PRRB Agents, on February 12, 2024, at approximately 2:00 a.m., the San Lorenzo PRRB Precinct, received an anonymous call in reference to a vehicle accident at or near Calle 1, #114 located in the Parcelas Ward, San Lorenzo, 00731.
7. PRRB Agents arrived at the scene shortly after the call and found a grey, Nissan Murano, displaying PR Tag: IUH-675, crashed into a gate at the aforementioned location. The vehicle was on and in gear but was not in motion. All of the windows on the vehicle were down and the driver and solo occupant of the vehicle, later identified by PRRB as CLAUDIO-CABALLERO, appeared to be sleeping behind the wheel. PRRB Agents opened the passenger side door and turned the vehicle off. PRRB Agents noticed an open beer bottle in the cup holder near the center console. PRRB Agents knocked on the driver side door to wake CLAUDIO-CABALLERO up. As CLAUDIO-CABALLERO woke up, his eyes were bloodshot, and it appeared as though he was under the influence of alcohol. PRRB Agents opened the driver side door and noticed a firearm

between CLAUDIO-CABALLERO's feet on the floor. PRPB Agents removed the firearm from the vehicle and asked CLAUDIO-CABALLERO to take the keys out of the ignition. CLAUDIO-CABALLERO reached under his legs and pulled out another firearm and handed it to PRPB Agents. PRPB Agents immediately started issuing the driver commands to exit the vehicle and subsequently placed him in custody.

8. Ultimately, PRPB Agents seized the following items from CLAUDIO-CABALLERO:

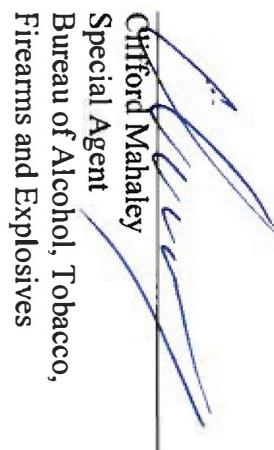
- (1) Firearm described as a black, Glock, Model: 26, GEN 4, 9x19, Serial # WRD899. The firearm had an internal machinegun conversion device (also known as a "CHIP"), which allows the firearm to fire more than one round of ammunition, without manual reloading, by a single pull of the trigger. Further, the firearm was loaded with 1 round in the chamber and approximately 16 rounds of ammunition in the magazine.
 - (1) Firearm described as a black, Taurus PT 740, Slim, .40 caliber with an obliterated serial number on the frame. The firearm was loaded with 1 round in the chamber and approximately 5 rounds in the magazine.
 - (4) Cellular phones.
9. PRPB stated that further investigation revealed that the PR Tag: IUH675 did not belong to the vehicle CLAUDIO-CABALLERO was driving. PRPB stated that the Vehicle Identification Number of the vehicle revealed that the 2016 Nissan Murano was reported stolen from Trujillo Alto on January 30, 2023.
10. Upon being placed into custody, PRPB Agents read CLAUDIO-CABALLERO his Miranda Rights in the Spanish language. PRPB Agents stated that CLAUDIO-CABALLERO understood his rights, waived his rights, and agreed to speak with PRPB Agents. According to PRPB Agents, CLAUDIO-CABALLERO stated that he did not have a firearms license.

11. On or about February 12, 2024. ATF Agents conducted a custodial interview of CLAUDIO-CABALLERO at PRPB Caguas Headquarters. ATF Agents read CLAUDIO-CABALLERO his Miranda Rights in the Spanish language. CLAUDIO-CABALLERO understood his rights, waived his rights, and agreed to speak with ATF Agents.
12. CLAUDIO-CABALLERO stated that on the night of the accident, he was in Naguabo, PR drinking alcohol and smoking marijuana with an associate. CLAUDIO-CABALLERO stated he left the Naguabo area and starting driving towards his grandmother's house. CLAUDIO-CABALLERO stated that during the drive, he fell asleep and subsequently drove the vehicle into the gate of a house. CLAUDIO-CABALLERO stated that the police woke him up and informed him that he was under arrest for a firearm.
13. CLAUDIO-CABALLERO stated that he bought the aforementioned firearms from someone on the street. CLAUDIO-CABALLERO stated he paid \$1,200.00 for the Taurus firearm. CLAUDIO-CABALLERO stated that he knew the serial number on the Taurus was obliterated when he purchased it. CLAUDIO-CABALLERO stated he also paid \$1500.00 for the Glock firearm. CLAUDIO-CABALLERO stated that he knew the Glock firearm was fully automatic when he purchased it.
14. No firearms or ammunition are manufactured in Puerto Rico. Therefore, the black, Glock, Model: 26, GEN 4, 9x19, Serial # WRD899 and the black, Taurus PT 740, Slim, .40 caliber with an obliterated serial number on the frame would have travelled in foreign or interstate commerce.

CONCLUSION

15. Based on the above facts, I respectfully submit there is probable cause to believe that Carlos CLAUDIO-CABALLERO violated Title 18, United States Code, Section 922(k) (possession of a firearm with an obliterated serial number) and Title 18, United States Code, Section 922(o) (possession of a machinegun).

I hereby declare, under penalty of perjury, that the information contained in this Affidavit is known to be true and correct to best of my knowledge.



Clifford Mahaley
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Subscribed and sworn before me pursuant to FRCP 4.1 at 11:55 a.m. by telephone, this
13th day of February, 2024.

Bruce J McGiverin
United States Magistrate Judge
United States District Court
District of Puerto Rico